

TEW/DAC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Mike RALEIGH et al.

MAIL STOP: MISSING PARTS

Serial No.: 10/648,841

Group Art Unit: 2837

Filed: August 26, 2003

Examiner:

For: NON-EXPLOSIVE ACOUSTIC SOURCE

Certificate of Mailing

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

Date: 12/13/04

By: M A Rossi
Marc A. Rossi

COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

PETITION TO REVIVE ABANDONED APPLICATION

Sir:

Applicants hereby petition to revive the above-identified application from abandonment under 37 C.F.R. 1.137(a), as the abandonment was unavoidable on the part of the applicants. In the event that the Commissioner determines the facts presented do not support the withdrawal of abandonment as being unavoidable, however, then applicants petition to revive based on 37 C.F.R. 1.137(b) as being unintentional.

The Commissioner is hereby authorized to charge the required petition fee to Deposit Account 18-2056 along with any additional fees that may be required to maintain the pendency of this application upon entry of this petition.

REMARKS

1. A Notice to File Missing Parts dated January 2, 2004 was received in the present application.

2. In response thereto, applicants filed a Response to Missing Parts with a four month petition for extension of time on July 2, 2004 by certificate of mailing. A copy of the Response to Missing Parts is enclosed.

3. In addition, attached to the Response to Missing Parts, applicants filed an Assignment Transmittal Letter. A copy of the Assignment Transmittal Letter is enclosed.

4. A Notice of Abandonment was subsequently issued on November 3, 2004 indicating a response to the Notice to File Missing Parts had not been received.

5. In response to the Notice of Abandonment, the undersigned conducted a search to determine if a stamped receipt postcard evidencing receipt of the Response to Missing Parts had been returned from the Patent Office. To date, a stamped receipt postcard has not been found.

6. The undersigned then checked his personal docket to determine if the Response to Missing Parts had been filed. The docket indicates the Response to Missing Parts was filed on July 2, 2004. A copy of the docket entry is enclosed as evidence of filing.

7. The undersigned has also conducted a search of accounting records to determine if the filing fee, extension fee or recordation fee had been charged to Deposit Account 18-2056. No charge of the Deposit Account records has been found.

8. In view of the lack of a stamped receipt postcard and evidence of a charge on the Deposit Account, it is believed the Response to Missing Parts was lost in the mail and not received by the Office. The belief that a problem occurred with the United States Postal Service is reinforced by the fact that another Response to Missing Parts filed concurrent with the present response, both of which were personally deposited in the mail by the undersigned attorney of record, was also not received by the Office.

9. Applicants submit that since applicants have no control of the operation of the United States Postal Service, the abandonment was unavoidable.

10. In the event that the Commissioner determines the fact situation does not warrant a finding of unavoidable abandonment, applicants request that the Commissioner entertain this petition as a petition based on unintentional abandonment.


11. Applicants submit that the entire delay in filing the required reply (i.e. the Notice of Appeal with extension) from the due date of the reply until the filing of a grantable petition was unintentional.

12. Upon grant of this petition, applicants request that the enclosed copy of the Assignment Transmittal Letter be forwarded to the Assignment Branch for recordation.

Any questions regarding this petition should be addressed to the undersigned attorney of record at 703-726-6020.

Respectfully submitted,

ROSSI & ASSOCIATES



Marc A. Rossi

12/13/04
Date

ROSSI & ASSOCIATES
P.O. Box 826
Ashburn, VA 20146-0826



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/648,841	08/26/2003	Mike Raleigh	APTI:064

CONFIRMATION NO. 3845

ABANDONMENT/TERMINATION
 LETTER



OC000000014270964

ROSSI & ASSOCIATES
 P.O. Box 826
 Ashburn, VA 20146-0826

Date Mailed: 11/03/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/02/2004.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

2-Moguss

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

CHNO. 106 10/742,651 FUSII MP Filed morning paper (4x)

~~MATS' 045 10/742,609 MP. filed~~
~~KOSI Mm moving ps defia~~

Yuma. CAG 10/341, 106. 10/10/1973. ~~REVISOR~~ / ~~NOT. OF. ALLO.~~

~~ADT 066 10/648,847~~ ^{File} ~~11/11/2011~~ ^{MRB} ~~11/11/2011~~ (4)

ART: 024 10/648,84, c. 100 mm 12/12/02 M MIP 601

KODA'319 10/624,067.5 / S11 Election / Rstr Due

~~FULL 239 10/314 907~~ ^{prove} 1 week UWAZUMI et al. Report GA

~~EAND:024 09/859,969~~ ^{Move 1 week} ~~YOKOTA~~ Report OA

FUJI: 233 ~~10/227,622~~ ^{Move 1 week} UWAZUMI et al. Report OA

APPLICATION FOR UNITED STATES PATENT
DECLARATION AND POWER OF ATTORNEY

I hereby declare, as a named inventor of the invention identified herein, that my residence, post office address and citizenship are as stated below next to my name; that I verify and believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE: NON-EXPLOSIVE ACOUSTIC SOURCE

which is described and claimed in the specification: a. attached hereto; b. X filed 08/26/2003 as U.S. Patent Appl. Serial No. 10/648,841 and amended on ; c. X identified by the Assignee as reference number and assigned by my attorney ATTORNEY DOCKET NUMBER APT:064.

I hereby declare that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, and hereby acknowledge the duty to disclose information of which I am aware which is material to this application for patent on the invention described in the above-identified specification in accordance with 37 C.F.R. §1.55.

I hereby claim priority benefits under 35 U.S.C. §119 based on the following foreign application(s) filed within one year prior to this application and/or under 35 U.S.C. § 365 for the following PCT International Application:

PRIORITY: NONE

The following applications for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to this application, or (b) before the filing date of the above-named foreign priority application(s) (INSERT "NONE" IF NO CORRESPONDING CASES): NONE

I hereby appoint Marc A. Rossi (Reg. No. 31,923) as my attorney of record with full power of substitution and revocation to prosecute this application, to transact all business in the Patent Office, and to insert on this document the Attorney Docket Number assigned to this application. I further direct that all correspondence in connection with this application be sent to my attorney at the address provided below:

ROSSI & ASSOCIATES
P.O. BOX 826
ASHBURN, VA 20146-0826
(703) 726-6020

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Inventor's Name: MICHAEL RALEIGH
Given Name Middle Initial Family Name

Residence: ALEXANDRIA, VIRGINIA USA
City State/Province Country

Mailing Address: 2202 BASSETT STREET
Street/P.O. Box

ALEXANDRIA, VIRGINIA USA
City State/Province Zip Country

Citizenship: USA

Signature: Micahel Raleigh Date: 6/15/04

ADDITIONAL INVENTORS PROVIDED ON ATTACHED PAGES YES X NO

(2) Inventor's Name: JAMES GALAMBOS
Given Name Middle Initial Family Name

Residence: ALEXANDRIA, VIRGINIA USA
City State/Province Country

Mailing Address: 8604 BLUEDALE STREET
Street/P.O. Box

ALEXANDRIA, VIRGINIA USA
City State/Province Zip Country

Citizenship: USA

Signature: *James P. Galambos* Date: 6/16/04

(3) Inventor's Name: MICHAEL BOHNET
Given Name Middle Initial Family Name

Residence: HERNDON, VIRGINIA USA
City State/Province Country

Mailing Address: 12832 PINECREST ROAD
Street/P.O. Box

HERNDON, VIRGINIA USA
City State/Province Zip Country

Citizenship: USA

Signature: *Michael A. Bohnet* Date: 06/15/04

(4) Inventor's Name: _____
Given Name Middle Initial Family Name

Residence: _____
City State/Province Country

Mailing Address: _____
Street/P.O. Box

City State/Province Zip Country

Citizenship: _____

Signature: _____ Date: _____

ADDITIONAL INVENTORS PROVIDED ON ATTACHED PAGES YES ___ NO X



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/648,841	08/26/2003	Mike Raleigh	APTI:064

ROSSI & ASSOCIATES
 P.O. Box 826
 Ashburn, VA 20146-0826



CONFIRMATION NO. 3845

FORMALITIES LETTER



OC000000011597578

Date Mailed: 01/02/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Mike RALEIGH et al.

MAIL STOP: MISSING PARTS

Serial No.: 10/648,841

Group Art Unit: 2837

Filed: August 26, 2003

Examiner:

For: NON-EXPLOSIVE ACOUSTIC SOURCE

Certificate of Mailing

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on:

Date: 07/02/09

By: [Signature]

Marc A. Rossi

ASSIGNMENT TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please record the attached Assignment in the name of the assignor and the assignee as indicated below and return the original document to the undersigned.

1. Name of Conveying Party(ies):

Michael RALEIGH
James GALAMBOS
Michael BOHNET

2. Name and Address of Receiving Party(ies):

BAE Systems Advanced Technologies, Inc.
65 Spit Brook Road
Nashua, NH 03061

3. Execution Date of Assignment: 6/15/04.
4. If this Assignment is being filed together with a new application, the execution date of the application is: _____.

-
5. Total number of applications and patents involved: 1

All correspondence should be addressed to:

Marc A. Rossi
ROSSI & ASSOCIATES
P.O. Box 826
Ashburn, VA 20146-0826

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Total number of pages including cover sheet, attachments and document THREE (3).

The Commissioner is authorized to charge the assignment recording fee of \$40.00 to Deposit Account 18-2056.

Respectfully submitted,

ROSSI & ASSOCIATES



Marc A. Rossi
Registration No. 31,923

07/02/09
Date

Attorney Docket No. APT1:064

*** ASSIGNMENT ***

In consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned, the receipt of which is hereby acknowledged, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to:

Name: BAE SYSTEMS Advanced Technologies, Inc.

Address: 65 Spit Brook Road, Nashua, NH 03061

(hereinafter designated as the Assignee) the entire right, title and interest for the United States, its territories, dependencies and possessions, in the invention, and all applications for patent and any Letters Patent which may be granted therefore, known as:

Title: NON-EXPLOSIVE ACOUSTIC SOURCE

identified by the Assignee as _____ and ATTORNEY DOCKET NUMBER APT1:064, for which the undersigned has (have) executed and filed an application for patent in the United States of America on the date 08/26/2003 and now designated as U.S. Patent Application Serial No. 10/648,841.

The undersigned hereby agree(s) to: (1) execute all papers necessary in connection with the application and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient; (2) execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference; (3) execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention of Protection of Industrial Property or similar agreements; and (4) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patents of the United States resulting from said applications or any division or divisions or continuing applications thereof to said Assignee, as Assignee of the entire interest, and hereby covenants that the undersigned have full right to convey the entire interest herein assigned, and that the undersigned has (have) not executed and will not execute any agreement in conflict herewith.

The undersigned hereby grant(s) the firm of ROSSI & ASSOCIATES the power to insert on this assignment any further identification, including but not limited to the ATTORNEY DOCKET NUMBER, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the signature(s) of the undersigned:

Print Name	Date	Signature
(1) MICHAEL RALEIGH	<u>6/15/04</u> Month/Day/Year	<u>Michael Raleigh</u>
(2) JAMES GALAMBOS	<u>6/14/04</u> Month/Day/Year	<u>[Signature]</u>
(3) MICHAEL BONNET	<u>06/15/04</u> Month/Day/Year	<u>Michael A. Bonnet</u>

This assignment should preferably be signed before a Notary Public if within the United States of America; a U.S. Consul if outside the United States of America; or before at least two witnesses. Witnessed by:

(1) <u>Jennifer Anne Hemingway</u>	<u>6/16/04</u> Month/Day/Year	_____
(2) _____	_____	_____

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